

**EAST PALESTINE VILLAGE COUNCIL SEPTEMBER 28, 2015 7PM 85 N. MARKET ST.**

Mayor Zuch called the meeting to order, present was Atty. Beagle, Mr. Elzer, Mr. Cohen, Mr. Tyger and Mrs. Wisser. (Mr. Figley was not present); Also present was Village Manager Pete Monteleone, Law Director Dave Powers, Finance Director Traci Thompson and Clerk Misti Martin. At this point Mayor Zuch read a letter out loud from Councilman Figley: **To Whom It May Concern,** **for personal reasons, I Francis Figley resign from my position on city council. This resignation is to be effective immediately. Sincerely, Francis Figley.** Mr. Elzer made a motion to accept Mr. Figleys resignation seconded by Mr. Cohen. All in favor. The minutes of the September 14, 2015 meeting were approved on a motion by Mr. Cohen seconded by Atty. Beagle. There were no agenda items or Clerks report. At this point Chamber of Commerce member John Davis presented a check to Chief Kevin Dickey to help with the care of K-9 Toney. Mr. Elzer thanked the community for the outpouring of support in helping raise money for Toney.

**MAYOR:** Mayor Zuch stated a flu shot clinic would be held at the East Palestine Park Community Center on October 5 from 1 to 3 pm.

**MANAGER:** Manager Monteleone asked for a volunteer to replace Mr. Figley on the union negotiating committee. Mr. Elzer stated if there were only two members of council it would save a lot of legal issues and Mr. Cohen agreed stating they would not have to go into executive session ( as two members of council does not constitute a public meeting). Atty. Beagle said we do not have to have three members of council on the committee. Mr. Elzer suggested leaving the committee at two members and council agreed. Mr. Elzer mentioned that the water department had begun using a company to track the backflow testing instead of doing it in house and that the Monteleone was going to check into why that was done. Monteleone said that Jurjavic was on vacation and he didn't get a chance to ask him about it but that he would. Elzer also asked about the water usage at the splash pad, Monteleone said he forgot but he would look into it.

**LAW DIRECTOR:** Atty. Powers stated that council has 30 days to fill the vacancy created by Mr. Figley's resignation and there is no formal procedure set forth but he suggested accepting letters of interest and making a decision at the next meeting on October 12. Mayor Zuch stated that since we are so close to the next election and have candidates who are running could we select one of them to finish out the term and then be sworn in for their own term after the election to which council agreed. Powers also said the final form of the income tax ordinance would have a first reading tonight

**STREET: NO REPORT**

**S/P/R/C:** Mr. Cohen asked for an update on the work being done on the bath house. Monteleone said that Mr. Thompson is working on it but that he did discover that the project was more detailed than originally thought. Mrs. Wisser said she had mentioned previously about the trees on the North side of the pool being an eyesore and asked if we could get them removed. Monteleone said that Street Superintendent Steve Baird has coordinated with someone to take the trees down for a very good price.

**THERE WERE NO DEVELOPMENT, FINANCE OR UTILTY COMMITTEE REPORTS**

**VISITORS:** Mary Anne Tyger, Dan Scott, John Martin, John & Dot Herbert, Dianna Elzer, Jerry Coblentz, John Davis, John Simon, Kent Chapman, Jim Williams, Emery Coon, Terri Ward, Chief Kevin Dickey, Mary Beth DiCello, Mark Walker, Brett Todd, & Katie White.

**LEGISLATION:** Atty. Beagle introduced Ord. 19-2015 for a first reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance to amend Chapter 880 of the Codified Ordinances of the Village of East Palestine regarding municipal income tax.**

**VISITORS COMMENTS ON CURRENT LEGISLATION:** Mary Beth DiCello asked what exactly the changes to the tax ordinance were. Atty. Powers said the state passed House Bill 5 which made the

procedures to collect income tax uniform throughout the state and that we are mandated to make these changes. DiCello asked if it was increasing the tax percentage and Powers said no but it will allow a loss carry over which will result in some loss of revenue.

Mr. Cohen made a motion to go into executive session under ORC Section 121.22 G1 to consider the appointment of a public official-a replacement for Mr. Figley. Seconded by Atty. Beagle. All in favor. At this point Mr. Elzer thanked Mr. Figley saying he made council better as whole and made them do things they would not normally do. Atty. Beagle said that Mr. Figley and Mr. Elzer knew the most about the sewer project and now council will have to do a lot more research on their own. Mr. Cohen invited the Law Director, the Village Manager and the Mayor into executive session. During executive session Mr. Cohen came out and asked council candidates Brett Todd and Mark Walker to each come back and meet with council for a brief interview. A short time later council resumed regular session with Mr. Cohen stating there are two candidates running for council in November and that logic dictates that they select one of the two to fill the vacancy left by Mr. Figley and rather than trying to decide between the two candidates the ORC has a provision that allows the tossing of a coin to make a decision. Mr. Cohen made a motion to do a coin toss to pick the person to fill the vacancy (It was decided that Heads would be Mr. Walker and Tails would be Mr. Todd) the motion was seconded by Atty. Beagle. All in favor. Mayor Zuch tossed the coin and it landed on Tails. Mr. Cohen made a motion to approve Brett Todd to finish the rest of Mr. Figleys term seconded by Atty. Beagle. All in favor. Mayor Zuch said Mr. Todd would be sworn in at the beginning of the next meeting.

**ADJOURN:** Mr. Elzer made a motion to adjourn, seconded by Atty. Beagle. All in favor meeting adjourned.

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**CLERK MISTI MARTIN**

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**MAYOR MARGO ZUCH**